

JURISDICTION:
General Reference:

WISCONSIN
Wisconsin Statutes Annotated and Wisconsin Administrative Code (WAC)

Required Use of Safety Belts¹:

Requirements:

I. When operating a motor vehicle¹, a person shall wear a safety belt. §347.48(2m)(b)
II. No person shall operate a motor vehicle¹ unless all front seat passengers ≥4 but <15 years old are properly restrained in a safety belt. In addition, in other seating positions (e.g., rear seats) where the safety belt restraint system has a shoulder harness, such persons shall be restrained by such belt. §347.48(2m)(c)
III. Front seat passengers ≥4 years old must be restrained in a safety belt. In addition, in other seating positions (e.g., rear seats) where the safety belt restraint system has a shoulder harness, such persons shall be restrained by such belt. §347.48(2m)(d) Important. See Required Use of Child Safety Restraint Systems below.
Secondary Enforcement. A law enforcement officer may not stop or inspect a vehicle solely to determine compliance with these requirements. §347.48(2m)(gm)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Forfeiture: A fine of \$10. §347.50(2m)(a) However, no forfeiture may be assessed if the offender is <16 years old. §347.50(2m)(b) Note: No points may be assessed against a person's driving record for a violation of these requirements. WAC 101.01(5)(a) & (b)

Effect on Civil Liability:

Evidence of non compliance with these requirements may be admitted into evidence in any civil action. However, such non compliance shall not reduce recovery for damages by more than 15%. §347.48(2m)(g)

Required Use of Child Safety Restraint Systems²:

Requirements:

I. A person, when transporting a child <4 years old in a motor vehicle², shall secure such child in a Federally approved child safety restraint system. §347.48(4)(a)(1)

Required Use of Child Safety Restraint Systems:
(continued)

Requirements: (continued)

II. A person, when transporting a child ≥4 but <8 years old in a motor vehicle², shall secure such child either in a Federally approved child safety restraint system or in a safety belt. §347.48(4)(a)(2)

¹**Exemptions.** The requirements to use a safety belt do not apply in the following circumstances: (1) To persons operating or riding in emergency vehicles (e.g. law enforcement vehicles, ambulances, etc.) if such use could endanger the operator or another (§347.48(2m)(dm)); (2) to motor vehicle operators or passengers who are required to make more than 10 stops per mile in the scope of their employment (§347.48(2m)(dr)); (3) to persons who, because of physical or medical conditions, cannot be properly restrained in a safety belt (§347.48(2m)(e)); (4) to persons operating or riding in taxicabs (§347.48(2m)(f)(1)); (5) to persons operating or riding in motor vehicles that are not required under Federal law to be equipped with safety belts (§347.48(2m)(f)(1)); (6) to rural letter carriers or to persons who are delivering newspapers or periodicals (§347.48(2m)(f)(2)); (7) to persons operating or riding in motor vehicles while such vehicles are being used in land surveying (§347.48(2m)(f)(3)); and, (8) to persons operating or riding in a farm truck while such vehicle is being used in conjunction with the planting or harvesting of crops and is not being operated on a highway (§347.48(2m)(f)(7)).

²**Exemptions.** These requirements do not apply in the following circumstances: (1) To a child who is temporarily removed from a child restraint system to attend to its personal needs and the child is being transported in the back seat (§347.48(4)(a)(3)); (2) to a child who has a physical, medical condition or body size that prevents the use of either a child safety restraint system or safety belt (§347.48(4)(b)); and, (3) to a child who is riding in a motor bus, school bus, taxicab, moped, motorcycle or a vehicle that is not required to be equipped with safety belts under Federal law (§347.48(4)(c)).

WISCONSIN

Sanctions for Failure to Require the Use of Child Restraint Systems:

I. Forfeiture: For a violation of I above there is an assessment of not less than **\$30** nor more than **\$75**. §347.50(3)(a)

II. Forfeiture: For a violation of II above, for a 1st offense there is an assessment of not less than **\$10** nor more than **\$25** and for a 2nd or subsequent offense (within 3 years) there is an assessment of not less than **\$25** nor more than **\$200**. §347.50(4)

Note: No points may be assessed against a person's driving record for a violation of these requirements. WAC 101.01(5)(a)

Effect on Civil Liability:

Evidence of a failure to comply with these requirements is admissible in any civil action. However, such failure to comply does not by itself constitute negligence. §347.48(4)(d)

Required Use of Motorcycle Protective Headgear:

Requirements:

I. No person, who holds a motorcycle instructional permit, regardless of age, shall operate a motorcycle³ unless they are wearing Federally approved protective headgear. §347.485(1)(a)

II. No person <18 years old shall operate a motorcycle³ unless they are wearing Federally approved protective headgear. §347.485(1)(a)

Sanctions for Failure to Use:

Forfeiture: An assessment of not less than **\$10** nor more than **\$200**. §347.50(1) Note: No points may be assessed against a person's driving record for a violation of these requirements. WAC 101.01(5)(c)

Required Use of Motorcycle Eye Protection Device⁴:

Requirements:

Unless a motorcycle is equipped with a windshield, a motorcycle operator shall wear either a protective face shield, glasses or goggles. §347.485(2)

Sanctions for Failure to Use:

Forfeiture: An assessment of not less than **\$10** nor more than **\$200**. §347.50(1) Note: Although the law is not specific, a person's driving record may be assessed 2 points for a violation of this requirement. WAC 101.02(4)(e)

Required Use of Bicycle Protective Headgear:

Requirements:

None

³This requirement applies only to persons operating or riding on Type I motorcycles. A Type I motorcycle is generally a 2 (tandem) or 3 wheeled motor vehicle designed to carry a 150 lb. person at a speed >30 MPH. Type I motorcycles with 3 wheels are of two types. The first is a general two wheeled (tandem) motorcycle with a sidecar. And, the second is an unenclosed 3 wheeled motorcycle designed to carry the operator and no more than 3 passengers. §340.01(32)

⁴This requirement does not apply to persons who are operating motorcycles in a parade which is sanctioned by a local government. §347.485(2)

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

- I. No person shall drive a vehicle when any person is riding upon any portion of the vehicle that is not designed or intended for passenger use. This requirement does not apply to employee's discharging necessary duties as part of their employment. §346.92(1)
- II. No person shall ride upon any portion of the vehicle that is not designed or intended for passenger use. This requirement does not apply to employee's discharging necessary duties as part of their employment. §346.92(2)
- III. No person shall operate a truck weighing ≤10,000 lbs. when a person <16 years old is in the open cargo area of such vehicle. §346.922(1)

Sanctions for a Violation:

- I. For a violation of I or II above, Forfeiture: 1st offense-An assessment not less than **\$20** nor more than **\$40**. 2nd or subsequent offense (within 1 year)-An assessment not less than **\$50** nor more than **\$100**. §346.95(1)
 - II. For a violation of III above, Forfeiture: 1st offense-An assessment not less than **\$10** nor more than **\$25**. 2nd or subsequent offense (within 3 years)-An assessment not less than **\$25** nor more than **\$200**. §346.95(7)
- Note: Although the law is not specific, a person's driving record may be assessed 2 points for a violation of these requirements. WAC 101.02(4)(e)

Exemptions:

- I. The prohibitions under I & II above do not apply to employee discharging necessary duties as part of their employment or to persons riding within truck bodies in spaces intended for merchandise. §346.92
- II. The prohibition under III above does not apply to persons (1) who are operating a farm truck while performing farm operations, (2) who are operating a truck in a parade sanctioned by a local municipality or (3) who are transporting licensed deer hunters during authorized deer hunting season with firearms. §346.922(2)

WISCONSIN